



PERIODIC REVIEW

**Brundage Bone Concrete Pumping
Facility Site ID#: 2251**

**1041 North 4th Avenue,
Kent, Washington**

Northwest Region Office

TOXICS CLEANUP PROGRAM

December 2009

1.0 INTRODUCTION.....	1
2.0 SUMMARY OF SITE CONDITIONS	2
2.1 Site Description and History	2
2.2 Site Investigations and Sample Results	2
2.3 Cleanup Actions	2
2.4 Cleanup Levels.....	3
2.5 Restrictive Covenant.....	3
3.0 PERIODIC REVIEW.....	6
3.1 Effectiveness of completed cleanup actions	6
3.2 New scientific information for individual hazardous substances for mixtures present at the Site	6
3.3 New applicable state and federal laws for hazardous substances present at the Site	6
3.4 Current and projected site use.....	7
3.5 Availability and practicability of higher preference technologies	7
3.6 Availability of improved analytical techniques to evaluate compliance with cleanup levels	7
4.0 CONCLUSIONS.....	8
4.1 Next Review.....	8
5.0 REFERENCES.....	9
6.0 APPENDICES.....	10
6.1 Vicinity Map	11
6.2 Site Plan	12
6.3 PCB Concentration Map	13
6.4 Environmental Covenant	14
6.5 Photo log	19

1.0 INTRODUCTION

This document is a review by the Washington State Department of Ecology (Ecology) of post-cleanup site conditions and monitoring data to ensure that human health and the environment are being protected at the Brundage Bone Concrete Pumping (Site). Cleanup at this Site was implemented under the Model Toxics Control Act (MTCA) regulations, Chapter 173-340 Washington Administrative Code (WAC).

Cleanup activities at this Site were completed under the Voluntary Cleanup Program (VCP). The cleanup actions resulted in concentrations of petroleum related compounds, benzene, tetrachloroethylene (PCE), and polychlorinated biphenyls (PCBs) in the soil, and vinyl chloride in the groundwater remaining at the Site which exceed MTCA cleanup levels. The MTCA cleanup levels for soil are established under WAC 173-340-740. The MTCA cleanup levels for groundwater are established under WAC 173-340-720. WAC 173-340-420 (2) requires that Ecology conduct a periodic review of a site every five years under the following conditions:

- (a) Whenever the department conducts a cleanup action;
- (b) Whenever the department approves a cleanup action under an order, agreed order or consent decree;
- (c) Or, as resources permit, whenever the department issues a 'No Further Action' opinion;
- (d) and one of the following conditions exists:
 - 1. Institutional controls or financial assurance are required as part of the cleanup;
 - 2. Where the cleanup level is based on a practical quantitation limit;
 - 3. Where, in the department's judgment, modifications to the default equations or assumptions using site-specific information would significantly increase the concentration of hazardous substances remaining at the site after cleanup or the uncertainty in the ecological evaluation or the reliability of the cleanup action is such that additional review is necessary to assure long-term protection of human health and the environment.

When evaluating whether human health and the environment are being protected, the factors the department shall consider include [WAC 173-340-420(4)]:

- (a) The effectiveness of ongoing or completed cleanup actions, including the effectiveness of engineered controls and institutional controls in limiting exposure to hazardous substances remaining at the site;
- (b) New scientific information for individual hazardous substances or mixtures present at the site;
- (c) New applicable state and federal laws for hazardous substances present at the Site;
- (d) Current and projected site use;
- (e) Availability and practicability of higher preference technologies; and
- (f) The availability of improved analytical techniques to evaluate compliance with cleanup levels.

The Department shall publish a notice of all periodic reviews in the Site Register and provide an opportunity for public comment.

2.0 SUMMARY OF SITE CONDITIONS

2.1 Site Description and History

The property which contains the Site is immediately north of State Route 167, immediately west of North 4th Avenue, and immediately east of a railroad right-of-way. This 3.1 acre lot is located in an industrial and commercial area. Mill Creek is located approximately 0.5 mile east, and the Green River is approximately 1 mile to the south. What appears to be a wetland area is visible approximately 0.75 mile to the west of the property. The General Electric Apparatus Service Center occupied this site from 1970 to 1989. They repaired and restored industrial electrical equipment including motors, switches, condensers, and transformers (containing PCBs). The property was purchased in 1989 by Apparatus Service and Engineering Technology; however the nature of the work remained the same. The Field Engineering Company owned this site from 1999 until March 2000 when it was sold to the Brundage Bone Concrete Pumping Corporation, a concrete pumping services provider. The building is not in use presently, with the company's office next door to the north.

Improvements included an office/shop structure, asphalt and concrete paving, and landscaped areas. A small mechanical building owned and operated by US West Cellular occupied a portion of the property. This portion of the property was leased to US West Cellular by Apparatus Service & Engineering Technology. Vehicle access was provided from North 4th Avenue. Surfaces on those portions of the property not covered by the structures the sidewalks, or by the asphalt paved parking areas consisted of landscaped planters, and grasses, weeds, and bare soils. The topography of the subject Property is considered flat. Storm water is expected to flow into storm drains observed in the paved areas on the subject Property and in the adjoining street.

According to the *Soil Survey of King County, Washington, United States Department of Agriculture, Soil Conservation Service, 1973*, the soils underlying the property can be characterized as urban land. These soils have been modified by disturbance of the natural layers with additions of material several feet thick to accommodate large industrial and housing installations. The fill in the Green River Valley ranges from approximately 3 to 12 feet in thickness, and from gravelly sandy loam to gravelly loam in texture. The erosion hazard is slight to moderate. According to a report describing site assessment activities conducted on the property in 1989 by Golder and Associates, Inc. of Redmond ground water was encountered at approximately 6 to 9 feet below the surface of the property.

2.2 Site Investigations and Sample Results

Previous Environmental Site Assessments of the property were conducted by Golder Associates, Inc. of Seattle in 1989 and 1992. Preliminary sampling was conducted in the 1989 assessment, resulting in extensive soil removal activities described in the 1992 report. Major contaminants of concern included PCBs, petroleum products, benzene, naphthalene, trichloroethylene, and xylenes. All soils determined to contain less than 10 parts per million PCBs were left in place, Additional soils containing low levels of various volatile organic compounds were also left in

place. Volatile organic compounds were found at and below the water table. The report also details the removal of a diesel underground storage tank, as well as the subsequent removal of contaminated soils.

Groundwater monitoring occurred in October of 1998 and January 1999.

2.3 Cleanup Actions

The soil was contaminated with diesel, polychlorinated biphenyls (PCBs), benzene, and tetrachloroethylene, also known as perchloroethylene (PCE) as a result of activities at this site. The groundwater was contaminated with vinyl chloride. The site was added to the State's Hazardous Sites List and assigned a rank of "3". A rank of "1" represents the highest level of risk compared to other sites, and a rank of "5" represents the lowest risk level.

Cleanup work took place intermittently from 1990 through 1992. The following activities were done to remove the contamination:

- Contaminated soil was excavated, treated and disposed of off-site at a hazardous waste landfill.
- Underground storage tanks and oil/water separator tanks were removed.
- Soil-gas monitoring system was installed.
- Sludge from the north and south yard catch basins was removed.
- Groundwater wells were monitored.

Approximately 825 metric tons of surface soils, 140 metric tons of diesel-contaminated soils, and several drums of sludges, rinsates, dewatering liquids, etc. were removed from the property during the 1992 remediation effort. A 'No Further Action' (NFA) letter was issued by Ecology on April 18, 2002 after a restrictive covenant was recorded. The Site was subsequently de-listed based on this NFA letter.

2.4 Cleanup Levels

Contamination remained on this site at the end of the cleanup work; however, the cleanup work provided suitable conditions for industrial use. As a result, Ecology and the property owner signed a legal document called a restrictive covenant. This restrictive covenant limits the use on this property to industrial purposes, and industrial cleanup levels would apply.

2.5 Restrictive Covenant

Based on the site use, surface cover and cleanup levels, it was determined that the Site was eligible for a 'No Further Action' determination if a Restrictive Covenant was recorded for the property. A Restrictive Covenant was recorded for the Site in 2002 which imposed the following limitations:

Section 1

The Property shall be used only for traditional industrial uses, as described in RCW 70 105D 020 (23) and allowed under the zoning regulations of King County and codified in the King County Code, Title 21A 08.080 (A), as of the date of this Restrictive Covenant.

No groundwater may be taken for any use from the Property, with the exception of periodic water quality monitoring samples from established groundwater quality monitoring wells at the site. The water samples are to be collected by an experienced environmental scientist connected to a program of determining water quality status at the Property.

Portions of the Property may contain levels of polychlorinated biphenyl (PCBs) and / or chlorinated hydrocarbons and petroleum compounds. The potential locations of PCB impact are the asphalt covering in the north yard and south yard areas, soils in contact with the west-side foundation of the former GE Apparatus Service building, on the land immediately to the west of the former QE Apparatus Service building, at a distance of approximately 48 ft up to and including the fence boundary, the land west and south of the southwest building corner to a distance of approximately 144 ft south, and the land west and north of the northwest building corner to a distance of approximately 36 ft north, beneath a shed-like structure on the northwest corner of the former GE Apparatus Service building, the west, south, and southeast border of the paved south yard area, and the west, north, and east border of the north yard area.

The potential locations of petroleum impact, and / or impact from chlorinated hydrocarbons are the former underground fuel storage tank area in the south yard, the former solvent storage shed location at the center of the south wall of the former GE Apparatus Service building, the oil-water separator area on the southeast corner of the former GE Apparatus Service building.

The Owner shall not alter, modify, or remove the existing structures on the property in any manner that may result in the release or exposure of impacted soils, or create a new exposure pathway that is non-compliant with requirements of Method A soil cleanup levels for industrial properties, without prior written approval from Ecology.

Any activity on the Property that may result in the removal or transport of impacted soils that were contained as a result of the Remedial Action, to a location that would cause a release or exposure to the environment, or to a location that would create a new exposure pathway, is prohibited. Appropriate disposal options which would be protective of human health and the environment must be determined at the time of excavation of impacted soils from the Property.

Section 2

Any activity on the Property that may interfere with the integrity of the Remedial Action and continued protection of human health and the environment is prohibited.

Section 3

Any activity on the Property that may result in the release or exposure to the environment of a hazardous substance that remains on the Property as part of the Remedial Action, or

create a new exposure pathway, is prohibited without prior written approval from Ecology. However, maintenance involving minor or temporary removal of the existing asphalt coverings may be permitted without Ecology approval, if professional and adequate environmental consultation is retained to oversee exposure pathways, and implement appropriate health and safety protocols consistent with acceptable industry practice. It is incumbent upon the Owner to ensure that asphalt repair is at least equal to or better than the previous condition of the asphalt where maintenance and repair activities were initiated.

Section 4

The Owner of the Property must give thirty (30) days advance written notice to Ecology of the Owners intent to convey any interest in the Property. No conveyance of title, easement, lease or other interest in the Property shall be consummated by the Owner without adequate and complete provision for continued operation, protection and maintenance of the Remedial Action.

Section 5

The owner must restrict leases to uses and activities consistent with the Restrictive Covenant and notify all lessees of the restrictions on the use of the Property.

Section 6

The Owner must notify and obtain written approval from Ecology prior to any use of the Property that is inconsistent with provisions of the Restrictive Covenant Ecology may approve of any inconsistent use only after public notice and comment.

Section 7

The owner shall allow authorized representatives of Ecology the right to enter the Property at reasonable times for the purpose of evaluating the Remedial Action pursuant to WAC 173-340-420 (2) (a and b), to collect samples, to inspect the locations of specific remedial actions conducted at the Property, and to inspect records related to the remedial actions and / or maintenance and operation plan for the Property. Consistent with Ecology's responsibility under state law, Ecology and any persons acting for it shall use reasonable efforts not to interfere with the operations of Owner or Owner's lessees, by any such entry. In the event Ecology enters the Property for reasons other than emergency response, Ecology agrees that it shall provide reasonable notice to Owner of any planned activity, as well as schedules and locations of activities on the Property. Ecology further agrees to consider any requests to modify its scheduled entry or activities at the Property. Notwithstanding any provision of this Restrictive Covenant, Ecology retains all of its access authorities and access rights, including enforcement authorities related thereto, under applicable state law.

Section 8

The owner of the Property reserves the right under WAC 173-340-440 to record an instrument that provides that this Restrictive Covenant shall no longer limit use of the Property or be of any further force or effect. However, such an instrument may be recorded only if Ecology, after public notice and opportunity for comment, concurs.

The Restrictive Covenant is available as Appendix 6.4.

3.0 PERIODIC REVIEW

3.1 Effectiveness of completed cleanup actions

The Restrictive Covenant for the Site was recorded and is in place. This Restrictive Covenant prohibits activities that will result in the release of contaminants at the Site without Ecology's approval, and prohibits any use of the property that is inconsistent with the Covenant. This Restrictive Covenant serves to ensure the long term integrity of the remedy.

Based upon the site visit conducted on December 9, 2009, the remedy at the Site continues to eliminate exposure to contaminated soils by ingestion and contact. The asphalt appears in satisfactory condition and no repair, maintenance, or contingency actions have been required. The Site is still not currently operating. A photo log is available as Appendix 6.5.

Soils with TPH, benzene, PCBs, and PCE concentrations higher than MTCA cleanup levels are still present at the Site. However, the remedy prevents human exposure to this contamination by ingestion and direct contact with soils. The Restrictive Covenant for the property will ensure that the contamination remaining is contained and controlled.

There were vinyl chloride exceedances in the groundwater in MW-2 and it has not been established that the exceedances remain within the property boundary. That is necessary to establish a conditional point of compliance for groundwater among other requirements.

3.2 New scientific information for individual hazardous substances for mixtures present at the Site

There is no new scientific information for the contaminants related to the Site.

3.3 New applicable state and federal laws for hazardous substances present at the Site

The cleanup at the site was governed by MTCA and associated regulations. WAC 173-340-702(12) (c) [2001 ed.] provides that,

“A release cleaned up under the cleanup levels determined in (a) or (b) of this subsection shall not be subject to further cleanup action due solely to subsequent amendments to the provision in this chapter on cleanup levels, unless the department determines, on a case-by-case basis, that the previous cleanup action is no longer sufficiently protective of human health and the environment.”

Although cleanup levels changed for petroleum hydrocarbon compounds as a result of modifications to MTCA in 2001, contamination remains at the site above the new MTCA Method A and B cleanup levels. Even so, the cleanup action is still protective of human health

and the environment. A table comparing MTCA cleanup levels from 1991 to 2001 is available below.

Analyte	1991 MTCA Method A Soil Cleanup Level (ppm)	2001 MTCA Method A Soil Cleanup Level (ppm)	1991 MTCA Method A Groundwater Cleanup level (ppb)	2001 MTCA Method A Groundwater Cleanup Level (ppb)
Cadmium	2	2	5	5
Lead	250	250	5	15
TPH	NL	NL	1000	NL
TPH-Gas	100	100/30	NL	1000/800
TPH- Diesel	200	2000	NL	500
TPH-Oil	200	2000	NL	500
NL = None listed				

3.4 Current and projected site use

The site is currently used for industrial purposes. There have been no changes in current or projected future site or resource uses.

3.5 Availability and practicability of higher preference technologies

The remedy implemented included containment of hazardous substances, and it continues to be protective of human health and the environment. While higher preference cleanup technologies may be available, they are still not practicable at this Site.

3.6 Availability of improved analytical techniques to evaluate compliance with cleanup levels

The analytical methods used at the time of the remedial action were capable of detection below selected site cleanup levels. The presence of improved analytical techniques would not affect decisions or recommendations made for the site.

4.0 CONCLUSIONS

The following conclusions have been made as a result of this periodic review:

- The cleanup actions completed at the Site appear to be protective of human health. Protection of the environment (groundwater) is probable but not confirmed, as there were exceedances of vinyl chloride in MW-2, and it has not been established that the vinyl chloride has remained within the property boundaries. The exceedances of vinyl chloride must remain within the property boundaries, among other requirements, to establish a conditional point of compliance for the vinyl chloride in groundwater. The 2002 'No Further Action' letter may need to be replaced with a 'partial sufficiency' letter for the soil cleanup until this vinyl chloride issue is resolved. The Site would then likely be re-listed on the Hazardous Sites List, since it was de-listed based on the NFA letter.
- Soil cleanup levels have not been met at the standard point of compliance for the Site; however, the cleanup action has been determined to comply with cleanup standards since the long-term integrity of the containment system is ensured, and the requirements for containment technologies are being met.
- The Restrictive Covenant for the property is in place and continues to be effective in protecting public health and the environment from exposure to hazardous substances and protecting the integrity of the cleanup action.

Based on this periodic review, the Department of Ecology has determined that the requirements of the Restrictive Covenant continue to be met. No additional cleanup actions are required by the property owner, except monitoring for vinyl chloride and establishment of a standard or conditional point of compliance are likely to be necessary for a full cleanup. It is the property owner's responsibility to continue to inspect the site to assure that the integrity of the remedy is maintained.

4.1 Next Review

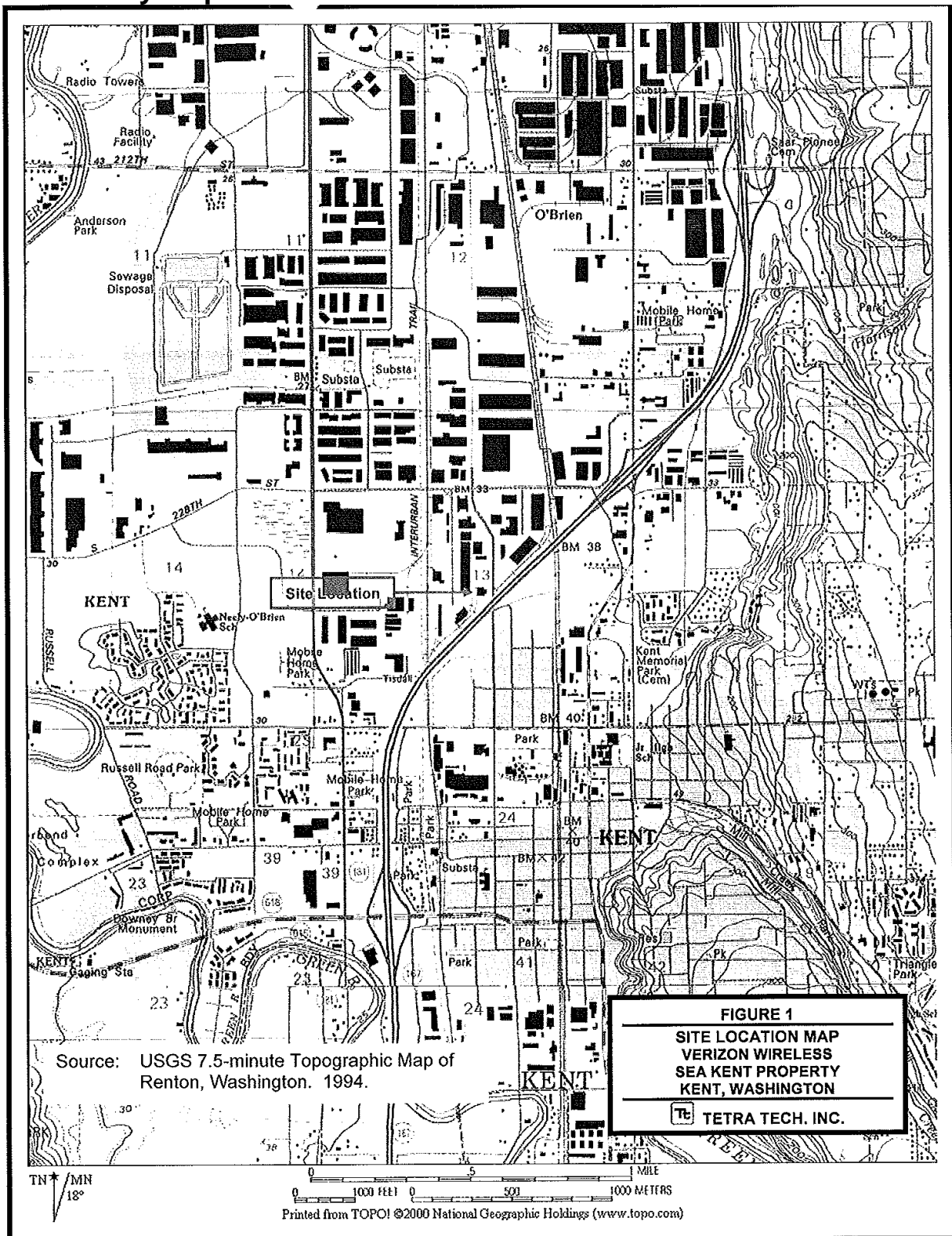
The next review for the site will be scheduled five years from the date of this periodic review. In the event that additional cleanup actions or institutional controls are required, the next periodic review will be scheduled five years from the completion of those activities.

5.0 REFERENCES

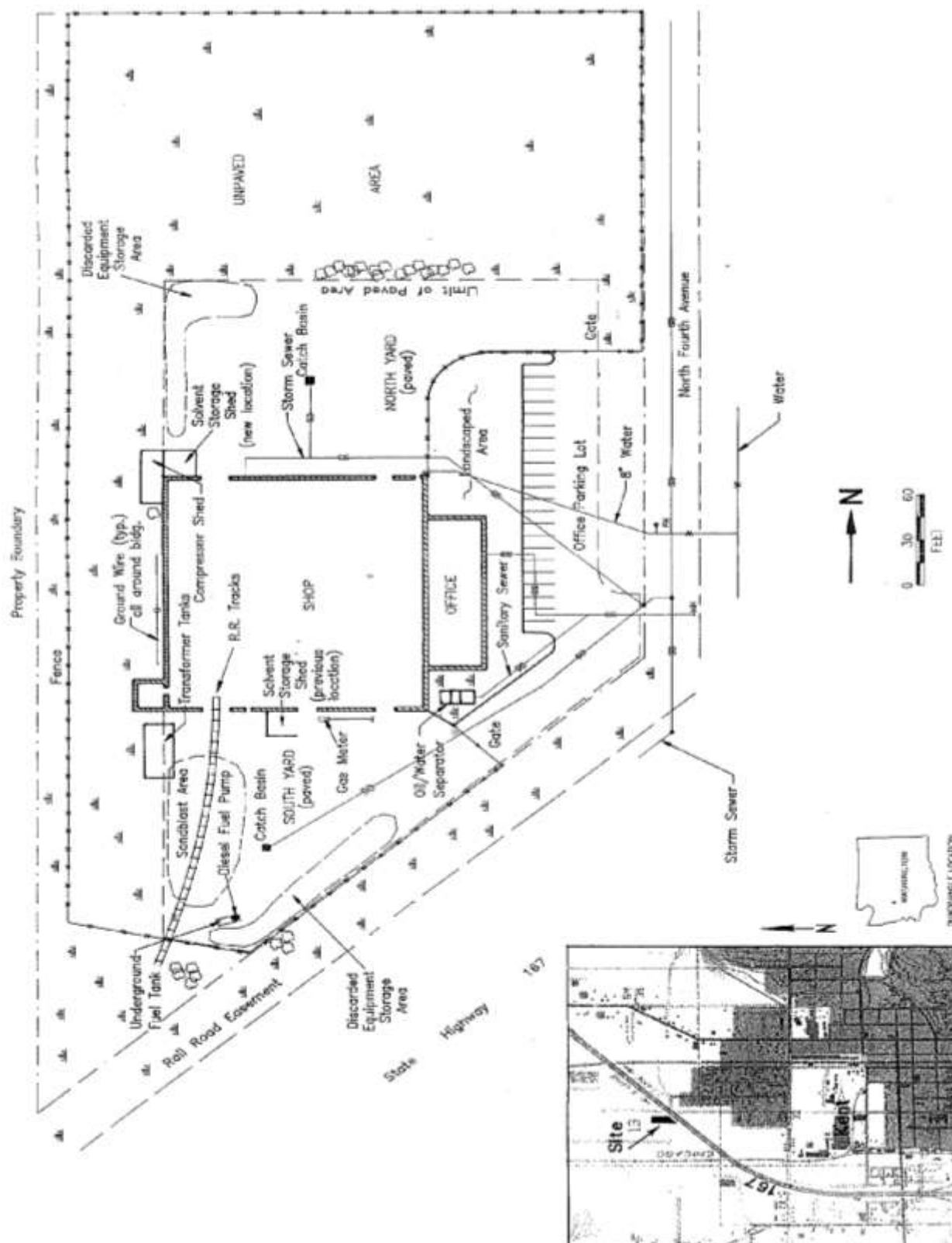
1. Reports: Considering Monitoring Well Investigation Data at the Former Apparatus Service & Engineering Technology Facility, 1031 North 4th Avenue, Kent Washington, April 21, 2000, Golder Associates Inc.;
2. Phase I Environmental Site Assessment of Apparatus Service & Engineering Technology, 1031 4th Avenue, Kent, Washington, February 18, 1998, Northwest Envirocon Inc.;
3. Report: Exterior Remedial Cleanup at General Electric's Former Apparatus Service Center, Kent, Washington, January 3, 1992, Golder Associates Inc.;
4. Bid Documents: Remedial Cleanup of General Electric's Apparatus Service Center, Kent, Washington, July 1989, Golder Associates Inc.;
5. Site Investigation at General Electric's Apparatus Service Center, Kent, Washington, May 1989, Golder Associates Inc.;
6. Ecology, 2002, Restrictive Covenant;
7. Ecology, 2009, Site Visit.

6.0 APPENDICES

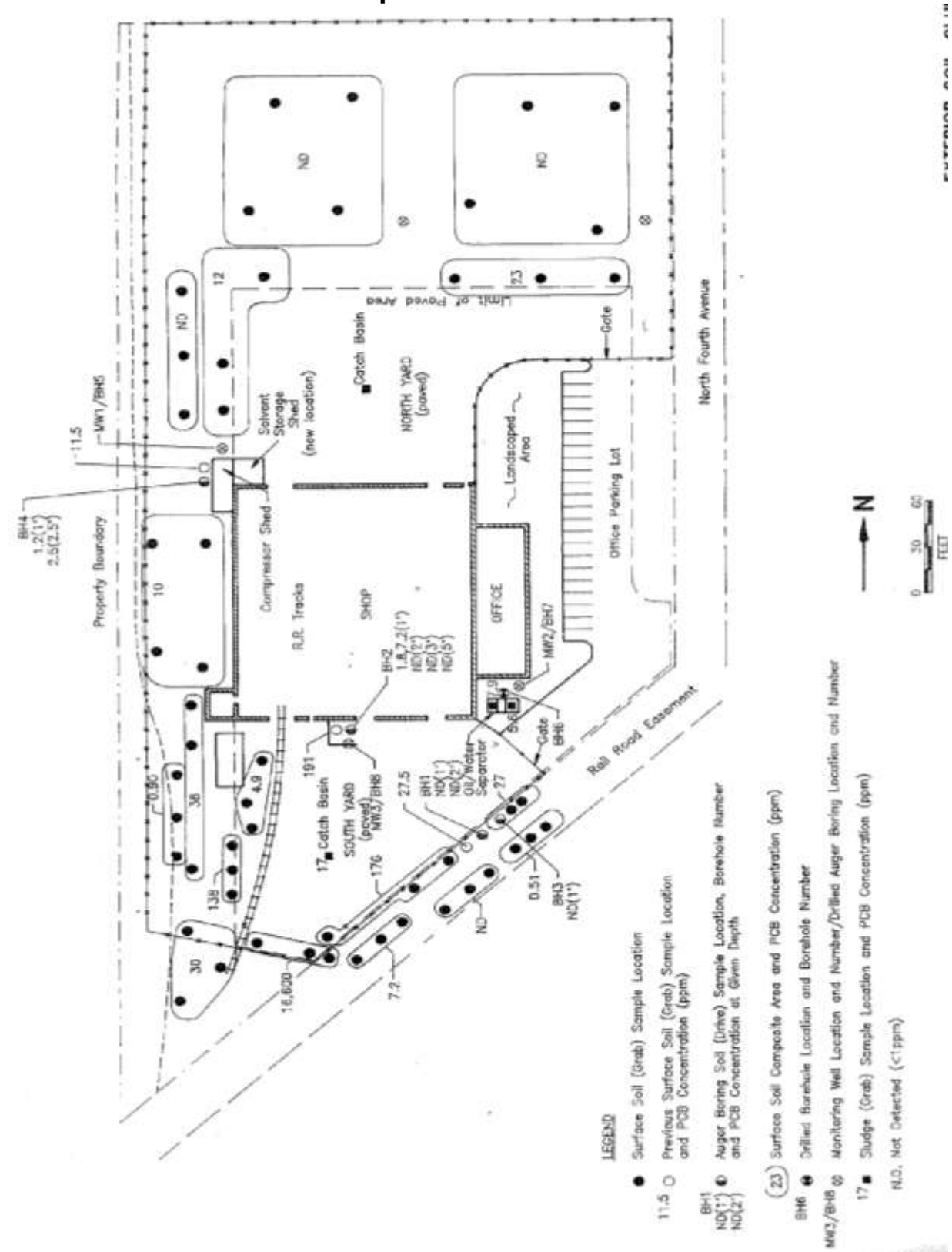
6.1 Vicinity Map



6.2 Site Plan



6.3 PCB Concentration Map



6.4 Environmental Covenant

Return Address Golder Associates Inc
18300 NE Union Hill Rd , Suite 200
Redmond, Washington 98052



GOLDER
PAGE 001 OF 005 COV 13.00
02/28/2002 13:17
KING COUNTY, WA

Restrictive Covenant for the Brundage Bone Concrete Pumping Facility,
1031 N 4th Avenue, Kent, Washington (the "Property")

This declaration of Restrictive Covenant is made pursuant to RCW 70 105D 030 (1)(f) and (g) and WAC 173-340-440 by Brundage Bone Concrete Pumping Corporation (hereafter "Brundage Bone"), its successors and assigns, and the Washington State Department of Ecology, its successors and assigns, (hereafter "Ecology")

An independent remedial action (hereafter "Remedial Action") has occurred at the Property that is the subject of this Restrictive Covenant. The Remedial Action conducted at the Property is described in the following documents

- 1 "Site Investigation at General Electric's Apparatus Service Center, Kent, Washington" (Golder, May, 1989)
- 2 "Bid Documents, Remedial Cleanup of General Electric's Apparatus Service Center, Kent, WA" (Golder, July, 1989)
- 3 "Report Exterior Remedial Cleanup at General Electric's Former Apparatus Service Center, Kent, WA" (Golder, January, 1992)
- 4 "Phase I Environmental Site Assessment of Apparatus Service & Engineering Technology" (Northwest Envirocon Inc , Feb , 1998) Prepared for Field Engineering

These documents are on file at Ecology's Northwest Regional Office

Remedial actions performed at the site present conditions that are acceptable for industrial use. The Restrictive Covenant is required because the Remedial Action resulted in residual concentrations of vinyl chloride in groundwater, and residual concentrations of benzene, and tetrachloroethylene (PCE), and polychlorinated biphenyls (PCB's) in soil, which are non-compliant for instances of "unrestricted landuse" The vinyl chloride exceeds the Model Toxics Control Act Method A residential cleanup levels for groundwater, and benzene, PCE and PCB's exceed the Model Toxics Control Act Method A cleanup levels for unrestricted land use in soils, established under WAC-173-340-900 However, industrial cleanup levels for PCB's, benzene and PCE compounds tested in soils are not exceeded for direct contact by industrial workers

The undersigned, Brundage Bone, is the fee owner of the real property (hereafter "Property") in the county of King, State of Washington, that is the subject of this Restrictive Covenant. The Property is legally described in Attachment A of this Restrictive Covenant and made a part hereof by reference.

Brundage Bone makes the following declaration as to limitations, restrictions, and uses to which the Property may be put, and specifies that such declarations shall constitute covenants to run with the land, as provided by law, and shall be binding on all parties and all persons claiming under them, including all current and future owners (hereafter, "Owner") of any portion of or interest in the Property.

Section 1

The Property shall be used only for traditional industrial uses, as described in RCW 70.105D.020 (23) and allowed under the zoning regulations of King County and codified in the King County Code, Title 21A.08.080 (A), as of the date of this Restrictive Covenant.

No groundwater may be taken for any use from the Property, with the exception of periodic water quality monitoring samples from established groundwater quality monitoring wells at the site. The water samples are to be collected by an experienced environmental scientist connected to a program of determining water quality status at the Property.

Portions of the Property may contain levels of polychlorinated biphenyl (PCBs) and / or chlorinated hydrocarbons and petroleum compounds. The potential locations of PCB impact are: The asphalt covering in the north yard and south yard areas; Soils in contact with the west-side foundation of the former GE Apparatus Service building; On the land immediately to the west of the former GE Apparatus Service building, at a distance of approximately 48 ft up to and including the fence boundary; The land west and south of the southwest building corner to a distance of approximately 144 ft south, and the land west and north of the northwest building corner to a distance of approximately 36 ft north; Beneath a shed-like structure on the northwest corner of the former GE Apparatus Service building; The west, south, and southeast border of the paved south yard area; and the west, north, and east border of the north yard area.

The potential locations of petroleum impact, and / or impact from chlorinated hydrocarbons are: The former underground fuel storage tank area in the south yard; The former solvent storage shed location at the center of the south wall of the former GE Apparatus Service building; The oil-water separator area on the southeast corner of the former GE Apparatus Service building.

The Owner shall not alter, modify, or remove the existing structures on the property in any manner that may result in the release or exposure of impacted soils, or create a new exposure pathway that is non-compliant with requirements of Method A soil cleanup levels for industrial properties, without prior written approval from Ecology

Any activity on the Property that may result in the removal or transport of impacted soils that were contained as a result of the Remedial Action, to a location that would cause a release or exposure to the environment, or to a location that would create a new exposure pathway, is prohibited. Appropriate disposal options which would be protective of human health and the environment must be determined at the time of excavation of impacted soils from the Property

Section 2

Any activity on the Property that may interfere with the integrity of the Remedial Action and continued protection of human health and the environment is prohibited.

Section 3

Any activity on the Property that may result in the release or exposure to the environment of a hazardous substance that remains on the Property as part of the Remedial Action, or create a new exposure pathway, is prohibited without prior written approval from Ecology. However, maintenance involving minor or temporary removal of the existing asphalt coverings may be permitted without Ecology approval, if professional and adequate environmental consultation is retained to oversee exposure pathways, and implement appropriate health and safety protocols consistent with acceptable industry practice. It is incumbent upon the Owner to ensure that asphalt repair is at least equal to or better than the previous condition of the asphalt where maintenance and repair activities were initiated

Section 4

The Owner of the Property must give thirty (30) days advance written notice to Ecology of the Owners intent to convey any interest in the Property. No conveyance of title, easement, lease or other interest in the Property shall be consummated by the Owner without adequate and complete provision for continued operation, protection and maintenance of the Remedial Action.

Section 5

The owner must restrict leases to uses and activities consistent with the Restrictive Covenant and notify all lessees of the restrictions on the use of the Property

Section 6

The Owner must notify and obtain written approval from Ecology prior to any use of the Property that is inconsistent with provisions of the Restrictive Covenant. Ecology may approve of any inconsistent use only after public notice and comment.

Section 7

The owner shall allow authorized representatives of Ecology the right to enter the Property at reasonable times for the purpose of evaluating the Remedial Action pursuant to WAC 173-340-420 (2) (a and b), to collect samples, to inspect the locations of specific remedial actions conducted at the Property, and to inspect records related to the remedial actions and/or maintenance and operation plan for the Property. Consistent with Ecology's responsibility under state law, Ecology and any persons acting for it shall use reasonable efforts not to interfere with the operations of Owner or Owner's lessees, by any such entry. In the event Ecology enters the Property for reasons other than emergency response, Ecology agrees that it shall provide reasonable notice to Owner of any planned activity, as well as schedules and locations of activities on the Property. Ecology further agrees to consider any requests to modify its scheduled entry or activities at the Property. Notwithstanding any provision of this Restrictive Covenant, Ecology retains all of its access authorities and access rights, including enforcement authorities related thereto, under applicable state law.

Section 8

The owner of the Property reserves the right under WAC 173-340-440 to record an instrument that provides that this Restrictive Covenant shall no longer limit use of the Property or be of any further force or effect. However, such an instrument may be recorded only if Ecology, after public notice and opportunity for comment, concurs.

Restrictive Covenant

This declaration of Restrictive Covenant is made pursuant to RCW 70 105D 030(1)(f and g), and WAC 173-340-440 by Brundage Bone Concrete Pumping Corporation, its successors and assigns, and the Washington State Department of Ecology, its successors and assigns

Legal Description

Lot 2 of City of Kent Short Plat No. SPC-89-11, according to short plat recorded October 10, 1989 under recording No 8910101371, in King County, Washington

Township 22N, Range 4E, Section 13, Quarter - Quarter NW of SE
Latitude 47 Degree: 23 Minute 35 Second
Longitude 122 Degree: 14 Minute 11 Second

Assessor's Property Tax Parcel / Account Numbers 383090-0290-00
Lot 2, SPC-89-11, Rec. 8910101371

This document provides a Restrictive Covenant, written in response to a Department of Ecology (Ecology) prerequisite to receiving a 'No Further Action' status for the former GE Apparatus Service Center (now owned and operated by Brundage Bone Concrete Pumping Inc.) located at 1031 North 4th Avenue in Kent, Washington. This final document is written in substantial conformance with the Attorney General approved template of a restrictive covenant document for the State of Washington (WAC 173-340-440.(8)(a))

Questions should be directed to the author of this document, in care of Golder Associates Inc at (425) 883-0777

Thomas M. Stapp
Project Chemist

Terry A. Bennett
Notary Public
State of Washington

Thomas Stapp known to me
Signed this document in my
presence on Feb 1, 2002

6.5 Photo log

Photo 1: MW-2



Photo 2: MW-2 is near brick wall from a distance – looking northwest



Photo 3: MW-1 – northwest of building



Photo 4: MW-3 – from the south side of the building

